NHRC guidelines for arrests

823. SHRI JANARDHANA POOJARY: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the National Human Rights Commission has issued comprehensive guidelines on the arrest of a person; and

(b) if so, what are the details and the Centre's reaction thereto?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI SRIPRAKASH JAISWAL): (a) and (b) The National Human Rights Commission (NHRC) has issued comprehensive guidelines on the arrest of a person and circulated these to all the police stations in the country for effective implementation. The guidelines provide, *inter alia,* that in case of arrest, the authorities concerned should exercise proper restraint and make the arrest only after being fully satisfied of the genuineness of their action, power of arrest is justified in cognizable cases only for those involved in heinous offences or are prone to violent behaviour and likely to commit further offences or where the suspect requires to be prevented from destroying evidence or interfering with witnesses etc., use of minimum force and upholding the dignity of the person while making arrest, avoiding the use of handcuffs or leg chains except as provided under the law, association of women police officers as far as practicable where the person or persons arrested are women, avoidance of arrest of women between sunset and sunrise etc. The guidelines also refer to the requirements to be followed for effecting arrests as laid down in the orders of the Supreme Court in the Joginder Kumar's case-(1994) 4SCC 260 and D.K. Basu's case (1997)1 SCC.

The Government has also advised all the State Governments/Union Territories to follow all the requirements laid down by the Hon'ble Supreme Court in the case of D.K. Basu *Vs.* State of West Bengal whenever arrests are made.

Special Force Command

824. SHRI MOOLCHAND MEENA:
DR. T. SUBBARAMI REDDY:

Will the Minister of DEFENCE be pleased to state:

(a) whether Indian Army has decided to bring Special Forces under one umbrella with the objective of carrying out highly coordinated swift and preemptive wartime strikes or anti-terrorism operations;

(b) whether Army top brass have finalized concept of Special Force Command and Government has given its go-ahead including of all important financial commitments;

(c) if so, what are details of proposed project prepared by Armed Forces for creation of Special Force Command; and

(d) by what time it is likely to be formed and to what extent it will be helpful to meet terrorist activities anywhere in the country?

THE MINISTER OF DEFENCE (SHRI PRANAB MUKHERJEE): (a) and (b) No proposal of a Special Forces Command under one umbrella has been formulated and these forces would normally operate under the Army Command.

(c>and (d) Does not arise in view of the reply given at (a) and (b) above.

Statehood to Pondicherry

825. SHRI C. PERUMAL: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether it is proposed to accord Statehood to Pondicherry;

(b) if so, the details thereof; and

(c) if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI S. REGUPATHY): (a) to (c) Proposal made by the Government of Pondicherry for grant of Statehood with special category status is under consideration of the Government.

Network of Maoists and Naxalites

†826. SHRIMATI KUM KUMRAI: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether it is a fact that the network of Maoists and Naxalites militants is rapidly expanding in the country;

(b) whether it is also a fact that it could endanger internal security of the country;

(c) whether Government identified the areas where Maoists and Naxalite terrorism is prevailing; and

†Original notice of the Question was received in Hindi.